

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3867 of 1984

Date of decision:26-7-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SOMABHAI RAMJIBHAI CHAUDHARY

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR KN RAVAL for Petitioner

MR Kaushal Thakkar for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/07/96

ORAL JUDGEMENT

The petitioner, a consumer of electricity, has filed this special civil application questioning the validity, legality and propriety of the bill for Rs.23,987.25 ps. dated 7-7-1984 issued by the respondent - Gujarat Electricity Board.

2. In the reply the respondents have come up with the case that on detection of theft of electric power demand of Rs.23,987.25 ps. was made under bill dated 7-7-1984.

3. On 29th August, 1984 this Court issued rule and granted interim stay on condition that the bills issued are regularly paid in time for the period on and from 6-2-1984. With regard to the impugned bill an amount of Rs.3000/- was to be deposited by the petitioner with respondent No.2 in the course of two months from 29-8-1984. It is not in dispute that the electric connection of the petitioner continues and he is enjoying the same. Mr. Kaushal Thakkar, learned counsel for respondents, has raised an objection that the Board has provided appellate forum for adequate redressal of the grievance of the nature made in the petition, and the petitioner has a right of appeal against the demand made under the bill dated 7-7-1984 as provided under clause 34 of the Conditions and Miscellaneous Charges for Supply of Electrical Energy. In support of his contention learned counsel for the respondents has placed reliance on the decision of this High Court in the case of Kiran Industries vs. Gujarat Electricity Board, reported in 1995(2) GLH p.1. The counsel for the petitioner on the other hand does not dispute the legal position as laid down by this court in the case of Kiran Industries (supra), but he made grievance that in case the appeal is filed now, the respondents would insist for payment of 30% of the amount demanded in the bill and in case that amount is not paid they will discontinue the electric connection and recover the amount of the impugned bill. The counsel for the petitioner further contended that the petitioner has no objection to approach the appellate forum, but till the appeal is decided the petitioner may be protected. So far as this contention of the counsel for the petitioner is concerned, Mr. Thakkar fairly conceded that the interim relief which has been granted by this court in favour of the petitioner may be ordered to be continued till the appeal being filed by the petitioner is decided.

4. In the result this special civil application is disposed of with the direction to the respondents that the appeal against the disputed bill that may be filed by the petitioner within two months from today before the Appellate Authority provided under clause 34 of the Conditions and Miscellaneous Charges for Supply of Electrical Energy shall be decided within a period of three months from the date of receipt of the same. Till the appeal to be filed by the petitioner is decided, the interim relief granted by this Court shall continue. It is made clear that in case the petitioner fails to file appeal within the stipulated period, the interim relief granted by this Court shall stand automatically vacated and it shall be open to the respondents to recover the amount of disputed bill in accordance with law. The petition stands disposed of accordingly. Rule discharged. No order as to costs.

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